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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/638,156  | 08/08/2003  | Kathleen Romano      | 22-0610                    | 3586             |
| 40158   | 7590        | 01/05/2006           | EXAMINER                   |                  |
| WOODS FULLER SHULTZ & SMITH P.C.<br>ATTN: JEFFREY A. PROEHL<br>P.O. BOX 5027<br>SIOUX FALLS, SD 57117 |             |                      | NOVOSAD, JENNIFER ELEANORE |                  |
|   |             | ART UNIT             | PAPER NUMBER               |                  |
|   |             |                      | 3634                       |                  |
| DATE MAILED: 01/05/2006   |             |                      |                            |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/638,156             | ROMANO, KATHLEEN    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Jennifer E. Novosad    | 3634                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6-14 is/are allowed.
- 6) Claim(s) 1-5 and 15-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

This final Office action is in response to the amendment filed October 28, 3005 by which claims 1, 3, 7, and 12 were amended and claims 15-18 were added.

### ***Claim Objections***

Claim 17 is objected to because it appears that "space" in line 3 should be changed to --spaces--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,069,021 (Gray '021).

Gray '021 discloses a clothes drying apparatus comprising a support assembly being adapted for being selectively positioned on a support surface whereby the support assembly comprises a stanchion member (2) and a plurality of base members (12) pivotally coupled (see Figure 6) to the stanchion member (2) whereby the base members pivot between a deployed position (see Figure 1 and dotted lines in Figure 3) and a stored position (see Figure 3) with the base members (12) being positioned substantially parallel to the stanchion member (2) when in the stored position and the base members (12) extending at an angle, i.e., of 90 degrees, relative to the stanchion (2) member when in the deployed position; a plurality of frame assemblies (i.e., one third of rack is one frame assembly and each assembly comprising two adjacent elements 16) being pivotally coupled (see Figure 5) to the support assembly (2) such that the frame assemblies selectively radiate (see Figure 1) from the support assembly (2); a space is defined

between each frame assembly; the support assembly comprising a hook member (146) coupled to the stanchion member (2); each of the support frame assemblies comprising a pair of frame members (adjacent members 16 define a pair) pivotally coupled to the support assembly so that the frame members (16) are pivotal between a collapsed position (see Figure 3) and an extended position (see Figure 1) whereby the frame members (16) are substantially parallel to the support assembly when in the collapsed position and the frame members extend radially from the support assembly when in the extended position; each of the support frame assemblies comprising two line members (46 and inner element) coupled (at 48) to at least one of the frame members (16); *with respect to claims 15 and 16*, the line member (46) is coupled to a frame member (16) and extends into the space therebetween such that a medial section is spaced from the frame member (16); *with respect to claim 17*, a pair of line members (46 and the element extending parallel thereto) are positioned in the space whereby each line member is associated with a support frame assembly; and *with respect to claim 18*, the support frame assemblies have a *substantially* triangular perimeter.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray '021 as applied to claims 1, 2, 5, and 15-18 above, and further in view of U.S. Patent No. 5,819,961 (Harris '961).

Gray '021 discloses the apparatus as advanced above.

The claims differ from Gray '021 in requiring the base members to form a tripod configuration (see claim 3).

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Harris '961 teaches base members (82) that are pivotally attached to the bottom of a stanchion (84) whereby the base members (82) extend at an angle therefrom to form a tripod configuration.

*Thus*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached the base members to the stanchion in Gray '021 to form a tripod configuration, as taught by Harris '961, for increased stability of the apparatus.

#### *Allowable Subject Matter*

Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-14 are allowed.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new grounds of rejection. The new grounds of rejection were necessitated by the amendment reciting "to form radially extending spaces between" in lines 12-13 of claim 1 and "to form a tripod configuration" in line 14 of claim 3.

It is noted that although the Gray '021 reference has been utilized once again under Section 102, certain elements in Gray '021 have been defined further in view of the amendments to claims 1 and 3.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad

Primary Examiner

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December 22, 2005